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HAWAITAN



GAZETTE.

VOL. VII--NO. 10.

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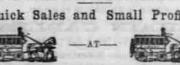
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Supreme Court of the Hawnilan that its dulest syllables had never before ravish-Islands. JANUARY TERM, 1871 .- IN BANCO.

This matter came up on petition filed by maps I could find. [Laughter.] I discovered in Mahoe, the duly appointed Administrator of said one of them a delicate, hair-like line, diverging Estate, before Justice Widemann, praying that a from the Mississippi near a place marked Presday and an hour may be appointed for the pre- cott, which I supposed was intended to represent sentation of his accounts, and that he be dis- the river St. Croix, but I could nowhere find charged from the responsibilities of the adminis- Duluth. tration aforesaid. Order was thereupon issued Nevertheless, I was confident it existed someon the 13th of April, 1870, fixing the 19th day where, and that its discovery would constitute of May, for the hearing of this petition, in the crowning glory of the present century, if not (toMING IN, FOR SALE IN QUANTITIES the Court House at Honolulu, and giving notice of all modern times. [Laughter.] I knew it to all interested in said Estate to appear and was bound to exist in the very nature of things; show cause, if any they have, why the said that the symmetry and perfection of our planeaccounts should not be passed, and the said tary system would be incomplete without it, Administrator be discharged from all further re- [renewed laughter:] that the elements of materi-

reeks previous to said hearing. Nahua, (w.,) appeared as contestant. YEW CROP NOW COMING IN. FOR SALE

> The witness Haupu, (k..) for the Administrator, states that witness has lived all his life every nation of the earth to the gushing fountain

Paukaga and Opungi. The evidence of Kuoi, for the Administrator, is that Oilikaheakulani and Kuahine (whom mighty genius upon the fall of Ilion it had not witness did not personally know.) had three daughters, Kawaakanhola, Paukana and Opunui, Will run as a regular packet between Honolula and Molokai, touching at Kannakakai and Pakoo. and one son, Keaona. All these four lived in For freight or passage apply to the Captain on Koolan, and Opunni afterwards went to live at Yet, sir, had it not been for this map, kindly Mokulcia. That Kawaakanhola was the mother furnished me by the Legislature of Minnesota, I

> ceased, and Opunui, the mother of Uka. tion upon the Estate of Mokn, deceased, to Maand cousin of Mahoe, was present in court.

> The Court, after weighing the evidence, ordered From this decision, Nabua appealed to Supreme Court in Banco.

case was submitted without argument. R. G. Davis for the Appellant. S. B. Dole for the Administrator.

OPINION OF THE COURT, BY HARTWELL, J. Appeal from the decision of Mr. Justice Widemann in refusing to order Mahoe, Administrator of the estate of Moku, deceased, on hearing for allowance of his administration accounts and discharge as Administrator, to pay over the property

No order was made upon the accounts and discharge of the Admisnistrator, and the petition and of course the order of notice thereof do not call for a decree of final distribution. The Apeliate Court therefore have only to decide upon the validity of Nuhua's claim. Of this there was conflicting evidence, but we think there was sufficient evidence to sustain the finding of the Court in rejecting this claim.

It may be observed that Mahoe did not file there is no evidence that he published the statate notice to creditors for four successive weeks. Counsel should see that their clients are well ad-

vised on such points. It is accordingly ordered, adjudged, and considered by the Court that this appeal be and the same hereby is dismissed, and that the said Mahoe do have and recover costs from the said

Nahua:

job now before the House :

sleeping innocense. Duluth! Twas the name even four thousand. [Renewed laughter.] for which my soul had paoted for years, as the Then, sir, there is the climate of Deluth,

laughter.]

Hawaiian Gazette BOOK AND JOB PRINTING ESTABLISHMENT.

WITH NEATNESS & DISPATCH

stack off a locomotive. [Great laughter.] But I see it represented on this map that Duluth is situated half way between Paris and Venice, so that gentlemen who have inhaled the exhilerating airs of one or basked in the golden sunlight of the other, may see at a glance that Duleth must be a place of untold delight, [laughter,] a terrestial paradise, fanned by the balmy rephyra of an eternal spring, clothed in the gorgeous sheen of ever-blooming flowers, and vocal with the silvery melody of natures choicest songsters. [Laughter.] In fact, sir, since I have seen this map I have no doubt that Byron was vainly endeavoring to convey some faint conception of the dellicious charms of Duluth, when his poetic spirit gushed forth in the rippling strains of that

"Know ye the land or town

Many cries : "Go on !" "Go on !" The Speaker.-Is there objection to the gentleman from Kentucky continuing his remarks? The Chair bears none. The gentleman will

Mr. Knott .- I was remarking, sir, upon these rast " wheat fields " represented on this map in the immediate neighborhood of the buffaloes and Piegans, and was about to say that the idea of there being these immense wheat fields in the very heart of a wilderness, hundreds and hundreds of miles beyond the utmost verge of civilization, may appear to some gentlemen as rather acongraous, as rather too great a strain on the 'blankets" of veracity. But to my mind there is no difficulty in the matter whatever. The phenomenon is very easily accounted for. It is evident, sir, that the Piegans sowed that wheat there and plowed it with buffalo buils. [Great laughter.] Now, sir, this fortunate combination of buffaloes and Piegans, considering their relative position to each other and to Duluth, as they are arranged on this map, satisfies me that Duluth is destined to be the beef market of

amid clouds of dust, until the last buffalo is sufely penned in the stock-yards of Duluth! (Shouts

of laughter.) Sir, I might stand here for hours and hours and that Mahoe was entitled to the remainder of the ministering angels who have their bright abodes expatiate with rapture upon the gorgeous prospects of Duluth as depicted upon this map. But human life is too short and the time of this Hons far too valuable to allow me to linger longer upon the frenzy of despair, this blessed map was placed the delightful theme. [Laughter.] I think every gentleman on this floor is as well satisfied as I am scene of ineffable glory opened before me, such that Duluth is destined to become the commerthe wandering Peri through the opening gates of cial metropolis of the universe, and that this road paradise. [Renewed laughter.] There, there should be built at once. I am fully persuaded that no patriotic Representative of the American people who has a proper appreciation of the associated glories of Daluth and the St. Croix, will hesitate a moment to say that every able-bodied female in the land between the age of eighteen and forty-five who is in favor of "women's rights" should be drafted and set to work spon this great work without delay. [Roars of laughter.] Nevertheless, sir, it grieves my very soul to be compelled

> Ah! sir, you can have no conception of the soignancy of my asguished that I am deprived of that bleased privilege. [Laughter.] There are two insuperable obstacles in the way. In the first place my constituents, for whom I am acting here, have no more interest in this road than they have in the great question of culinary tasts now perhaps agitating the public mind of Dominica, as to whether the illustrious commissioners who recently left this capital for that free and enlightened republic would be better fricussed, boiled or rousted, (great laughter:) and in the second place these lands, which I am asked to give away, alas, are not mine to hestow! My relation to them is simply that of trustee to an express trust. place, for I am told by gentlemen who have been And shall I ever bestow that trust? Never air! Rather perish Duluth! (Shouts of laughter.) Perish the paragon of cities! Rather let the cyclones of the bleak northwest bury it forever beneath the addying sands of the raging St. Croix. (Great laughter.) comes down at precisely the same distance all

> > How Rain is roumen .- To understand the philosophy of this phenomenon, essential to the very existence of plants and animals, a few facts, derived from observation and a long train of experiments, must be remembered. Were the atmosphere, at all times, of a uniform temperature, we should never have rain, hall or mow. The water absorbed by it in evaporation from the and earth's surface would descend in an imperetible vapor, or cease to be absorbed by the sir when it was fully saturated. The absorbing power of the atmosphere, and consequently its capacity to retain humidity, is proportionately greater in cold than in warm air. The air near the surface of the earth is warmer than it is in the region of the clouds.

The higher we ascend from the earth, the colder we find the atmosphere. Hence the perpetual anow on very high mountains, in the very hottest climates. Now, when, from evaporation, the air is highly saturated with vapor-though it be invisible—if its temperature is suddenly reduced by cold currents descending from above, or rashing from a higher to a lower latitude, its expacity to retain moisture is diminished, clouds are formed, and the result is rain. Air condensas as it cools, and, like a sponge filled with water and compressed, pours out water which its diminished capacity can not hold. How singular, yet how simple, is the arrangement for watering the earth!—Scientific American.

As old agricultural laborer in England tried a muscular method of avargeiting his family. Being remonstrated with by the paster for not bringing up" his boys as he should he raplied: "I duono 'ow 'tis, sir; I order 'em down to pray night and mornin,' and when they wont go down

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one the business on his old plan of centing with and seamer immediately on their slipping at his

February 21, 1871. (6 lm) Tax Collector.

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PED SALMON, in barrets—A small lot of the nor very good quality, but as good as the average that is for sale about town. Call at BOLLES & CO.

ALLEN, C. J., HARTWELL AND WIDEMANN, J.J. In the matter of the Estate of Mcku, (K.) of Koolaupoko, deceased.

The evidence of the witness Kulnipahu, (w..) on behalf of the contestant, Nahua, is that Kauhina (k...) and Napeha (w...) were the grandparents of Moku, deceased, and Nahuna, (w.,) rious place. I was convinced that the greatest contestant; that they had two daughters, Kapo, the mother of Nahua, and Nawaapukana, the the ancient world was in their having passed mother of Moku, deceased; that witness knew away without a knowledge of the actual exist-Kauhina and Napeha, and that she knew when ence of Duluth; that their fabled Atlantis, never these two daughters—Kapo and Nawaapukana,— seen save by the hallowed vision of inspired were born; that Kauhina and Napehs had no poesy, was, in fact, but another name for Duluth; other children, that witness knew them well; that the golden orchard of the Hesperides was that she lived with them at Ewa. The evidence but a poetical synonym for the beer-gardens in of the witness Keahiahi, (w.,) also for contestant | the vicinity of Duluth. [Great laughter.] I Nahua, shows exactly the same relationship, and | was certain that Herodotus had died a miserafurther that Kauhina and Napeha had a son ble death because in all his travels and with all after Nawaapakana, the second daughter. The his geographical research he had never heard o witness Kekuahi (w..) only states that Moku. Duluth. [Laughter.] I knew that if the im. deceased, was in the habit of calling Nahua mortal spirit of Homer could look down from an-

at Ewa and knew Mahoe living with his of poesy opened by the touch of his magic wand; mother Kawaakauhola at Ewa from childhood. if he could be permitted to behold the vast as-Oilikaheakulani (k..) and Kuahine (w..) had three semblage of grand and glorious productions of daughters : Kawaakanhola, the mother of Mahoe ; lyric art called into being by his own inspired

of Mahoe; Puskaua, the mother of Moku, de- might have gone down to my obscure and hum-

No further evidence was produced, and the in my hands; and as I unfolded it a resplendent

emaining in his hands to the appellant, Nahan, aiming to be entitled thereto as heir. It lifts the shadowy veil of futurity and affords us a view of the golden prospects of Duluth far.

bls inventory until more than a year after the time required by the orders of Court, and that

Where is Duluth? the centre of the visible universe that the sky The following speech made in the House of Representatives at Washington at the time the great subsidies and land grants in aid of various railroad schemes Superior, but as there is no dot or other mark ingument would do no good against the

\$6.00 PER YEAR. ed my delighted ear. [Roars of laughter.] I was certain the draughtsman of this bill had never heard of it, or it would have been designated as one of the termini of this road. I asked my friends about it, but they knew nothing of it. I rushed to the Library and examined all the

COMING IN, FOR SAIE IN QUANTITIES sponsibility in this matter. Notice of this to be at nature would long since have resolved themgiven in the KE At Orox Newspaper for three selves back into original chaos if there had been such a hintus in creation as would have resulted from leaving out Duluth. [Rours of laughter.] In fact, sir, I was overwhelmed with the con-

> viction that Duluth not only existed somewhere, but that wherever it was, it was a great and glocalamity that ever befell the benighted nations of other beaven than that created by his own celestial genius upon the long lines of pilgrims from strains, he would weep tears of bitter anguish that instead of lavishing all the stores of his been his more blessed lot to crystallize in deathless song the rising glories of Duluth. [Great

ble grave in an agony of despair, because I could It appears further from the evidence given by nowhere find Duluth. [Renewed laughter.] Had the same witness. Kuoi, at the hearing of the such been my melancholy fate, I have no doubt petition for the granting of letters of administra- that with the last feeble pulsation of my break ing heart, with the last faint exhaltation of my hoe, the petitioner, that Uka, the son of Opunui, | fleeting breath, I should have wispered, " Where is Duluth?" [Rours of laughter.] But, thanks to the beneficence of that land of in the far-off capital of Minnesota, just as the agony of my anxiety was about to culminate in

> as I imagine burst upon the enraptured vision of for the first time, my enchanted eye rested upon the ravishing word " Dulath." This map, sir, is intended, as it appears from its title, to illustrate the position of Duluth in the United States; but if gentlemen will examine it, I think they will concur with me in the opinthat it is far too modest in its pretentions. It not only illustrates the position of Duluth in the United States, but exhibits its relations with all created things. It even goes further than this.

along the dim vista of ages to come. If gentlemen will examine it they will find Duluth not only in the centre of the map, but represented in the centre of a series of concentric circles one hundred miles apart, and some of them as much as four thousand miles in diameter, embracing alike in their tremendous sweep the fragrant savannas of the sun-lit South and eternal solitudes of snow that mantle the ice-bound North. [Laughter.] How these circles were roduced is perhaps one of those primordial mysteries that the most skillful paleologist will never be able to explain. [Renewed laughter.] But the fact is, sir, Duluth is pre-eminently a central so reckless of their own personal safety as to venture away into those awful regions where Duluth is supposed to be that it is so exactly in

I find by reference to this map that Duluth is

around it. [Hours of laughter.]

situated somewhere near the western end of Lake then before that body is one of the most dicasing its exact location I am unable to say Indicrous and satiracal ever made any- whether it is actually confined to any particular where. Mr. Knott evidently saw that ar- spot, or whether "it is just lying around there loose." [Renewed laughter.] I really cannot powerful influence brought to bear in faof intellectual frost-work, more intangible than vor of these grants and resorted to ridi-the rose-tinted clouds of a summer sun-set; one of those airy exhalations of the speculator's The St. Croix and Lake Superior railroad bill brain, which I am told are ever flitting in the was up for discussion on Friday. Proctor Knott form of towns and cities along these lines of SMALL LOT RECEIVED PER MOSES | had the floor, and in the following speech, which, railroad, built with Government subsidies, luring by all reports, was the richest and ruciest heard unwary settlers as the mirage of the desert lures in Congress for years, he gives us his impressions | the famishing traveller on, and ever on, until it about Duluth, the proposed terminus for the big fades away in the darkening horizon, or whether it is a real, bong fide, substantial city, all " staked Hence, as I have said, sir, I was utterly at a off," with the lots all marked with their owner's loss to determine where the terminus of this names, like that proud commercial metropolis regreat and indespensible road should be until I acceptly discovered on desirable shores of San Docidentally overheard some gentlemen the other mingo. [Laughter.] But, however that may be, day mention the name of "Duluth." [Great I am satisfied that Duluth is there, or theresbout, laughter.] Duluth! The word fell upon my ear for I see it stated here on this map that it is exwith peculiar and indescribable charm, like the actly thirty nine hundred and ninety miles from gentle murmar of a low fountain stealing forth in Liverpool. [laughter;] though I have no doubt, IN 10-LB TINS, RECEIVED PER ST'R the midst of roses, or the soft, sweet accents of for the sake of convenience, it will be moved an angel's wisper in the bright, joyous dream of back ten miles, so as to make the distance an

heart panieth for the water-brooks. [Renewed questionably the most salubrious and delightful to be found anywhere on the Lord's earth. Now, But where was Duluth? Never, in my limited I have always been under the impression, as I reading, had my vision been gladdened by seeing presume other gentlemen have, that in the region POLAR OIL-10,000 Gallens, in quantities the celestial word in print. [Laughter.] And I around Lake Superior it was cold enough for at night and mornin, and when they wont a least nine months in the year to freeze a smoke-

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[Here the hammer fell.]

Here, you will observe, [pointing to the map,] are the buffaloes, directly between the Piegana and Duluth, and here, right on the road to Duluth, are the Creeks. Now, sir, when the Buffaloes are sufficiently fat from grazing on these immense wheat fields you see it will be the easiest thing in the world for the Piegans to drive them on down, stay all night with their friends, the Creeks, and go into Duluth in the morning. [Great laughter.] I think I see them now, sir, a vast heard of buffaloes, with their heads down, their eyes glaring, their nostrils dilated, their tongues out, and their tails carled over their backs, tearing down towards Duluth, with about a thousand Piegans on their grass-bellied ponies, yelling at their beels! [Great laughter.] On they come! And as they sweep past the Creeks they join in the chase, and away they all go, yelling, bellowing, ripping and tearing slong,

to say that I cannot vote for the grant of lands provided for in this bill.